THE HON'BLE SRI JUSTICE C.V. RAMULU

WRIT PETITION NO.11671 OF 1998

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Dated: 10th August, 2005.

Between :

1. The Chairman, A.P.S.E.B., Vidyut Soudha, Somajiguda, Hyderabad

and two others

… petitioners

and

1. The Labour Court-II, A.P., Hyderabad and another

… Respondents

ORDER:

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This writ petition is filed by the Chairman, Andhra Pradesh State Electricity Board, Vidyut Soudha, Somajiguda, Hyderabad and two others (for short, 'the Management') being aggrieved by the award passed in I.D.No.215 of 1993, dated 01-04-1997, on the file of Labour Court-II, Hyderabad, wherein the petition filed by the second respondent-Workman under Section 2-A(2) of the Industrial Disputes Act, 1947 (for short, 'the Act') before the first respondent was answered in his favour and the petitioners herein were directed to reinstate the second respondent-Workman into service, but without back wages and without continuity of service.

2. According to the petitioners-Management, the award passed by the Labour Court is arbitrary and illegal. There is absolutely no evidence before the Labour Court to show that the second respondent-Workman has worked for more than 240 days for the purpose of invoking the provisions of Section 25 of the Act.

3. There is no necessity of going into all the details. It is suffice to notice that the second respondent-Workman was appointed as N.M.R. First Grade Fitter into the service of the petitioners-Management with effect from 23-02-1980. After working for more than ten years, his services were terminated orally. Aggrieved by the same, the second respondent-Workman raised I.D.No.222 of 1990 before Labour Court-II, Hyderabad. The Labour Court-II, Hyderabad, after going through the details of the case, found that the second respondent-Workman has worked for more than 240 days as per the evidence led before it. Further, it was also found that except denying the assertions made by the second respondent-Workman, no other oral or documentary evidence was placed before the Labour Court by the petitioners-Management to come to the conclusion that the second respondent-Workman had not put in 240 days before termination of his service. In those circumstances, the Labour Court has rightly come to the conclusion that termination of the services of the second respondent-Workman is in gross violation of the provisions of Section 25F of the Act, however granted the relief of reinstatement afresh denying the back wages as well as continuity of service.

4. I am of the opinion that such an award passed by the Labour Court does not call for interference of this Court and this writ petition is liable to be dismissed, accordingly dismissed. No order as to costs.

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C.V. RAMULU, J

10th August, 2005.

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